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LITTON LOAN SERVICING LP

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

11 LEONARDO B. CRUZ, JR.,) Case No. 08CV1157 BEN NLS
12)
13 Plaintiff,) Assigned for all purposes to:
14 v.) Judge Roger T. Benitez, Courtroom 3
15)
16 WMC MORTGAGE CORP., LITTON LOAN) DEFENDANTS' NOTICE OF MOTION
17 SERVICING, HOMEQ SERVICING, TD SERVICE) TO DISMISS COMPLAINT FOR
18 COMPANY AND DEUTSCHE BANK NATIONAL) FAILURE TO STATE A CLAIM UPON
19 TRUST COMPANY,) WHICH RELIEF CAN BE GRANTED
20) (F.R.C.P. 12(b)(6))
21 Defendants.) [Defendant's Request for Judicial Notice;
22) and Memorandum of Points and Authorities
23) filed concurrently herewith]
24)
25) Motion to Dismiss:
26) Date: August 25, 2008
27) Time: 10:30 a.m.
28) Courtroom: 3
29)
30) Action filed: June 30, 2008

23 TO THE HONORABLE UNITED STATES DISTRICT COURT, ALL PARTIES AND
24 COUNSEL OF RECORD:

25 PLEASE TAKE NOTICE that on August 25, 2008, at 10:30 a.m., or as soon thereafter as counsel
26 may be heard in Courtroom 3 of the above-entitled Court, located at 880 Front Street, San Diego,
27 California, Defendant, Litton Loan Servicing LP (“Litton”) will and hereby do move this Court, the
28 Honorable Roger T. Benitez presiding, for an order dismissing Plaintiff’s Complaint pursuant to